

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Bell Telephone Company,
d/b/a SBC California for Generic Proceeding to
Implement Changes in Federal Unbundling Rules
Under Sections 251 and 252 of the
Telecommunications Act of 1996.

Application 05-07-024
(Filed July 28, 2005)

Application by Pacific Bell Telephone Company
d/b/a SBC California (U 1001 C) for Arbitration
of an Interconnection Agreement with MCImetro
Access Transmission Services LLC (U 5253 C)
Pursuant to Section 252(b) of the
Telecommunications Act of 1996.

Application 05-05-027
(Filed May 20, 2005)

**ADMINISTRATIVE LAW JUDGES' RULING
GRANTING MCIM'S MOTION REGARDING
LINE SPLITTING AND COORDINATE HOT CUT ISSUES**

1. Background

On September 29, 2005, during the arbitration hearing in Application (A.) 05-05-027, MCImetro Access Transmission Services LLC (MCIm) moved to transfer two issues from the arbitration in A.05-05-027 to the generic Triennial Review Order (TRO) and Triennial Review Remand Order (TRRO) proceeding. These issues are:

1. **Line Splitting Issue 5 (LS 5):** What terms and conditions should apply for line splitting with a competitive local exchange carrier (CLEC)-owned switch?

2. Coordinated Hot Cut Issue 1 (CHC 1): What terms and conditions for coordinated cutovers should be included in the Agreement?

SBC opposed the motion. (See Reporter's Transcript (RT) Vol. 7, pp. 655-660.)¹ The motion was taken under submission.

On September 30, 2005, MCIm moved to strike the proposed rebuttal testimony of SBC witness Carol Chapman on the basis that it involved CHC 1 and Pricing Schedule Issue 43, the latter of which having been transferred to the TRO/TRRO proceeding. SBC opposed the motion, arguing that MCIm sought here to arbitrate the rate for a single hot cut, and that implicated an entire hot cut price sheet related to Pricing Schedule Issue 43. The motion was granted. (RT, Vol. 8, pp. 825-827.)

SBC then moved to strike the hot cut price sheet. SBC and MCIm agreed this would be one page in the nonrecurring pricing appendix submitted by MCIm labeled "hot cut process category." The page includes single and batch hot cut prices. MCI did not oppose the motion. The motion was granted. (RT Vol 8, pp. 828-829.) As a result, the nonrecurring hot cut rate(s) are no longer in A.05-05-027.

During a conference call on October 3, 2005, parties informed Administrative Law Judge Jones that these two issues (i.e., LS 5 and CHC 1) are presented by CLECs in proposed interconnection agreement language to be resolved in the TRO/TRRO proceeding. SBC opposes their inclusion in the TRO/TRRO proceeding.

¹ Transcript references are to the arbitration hearings in A.05-05-027.

2. Discussion

MCIm's September 29, 2005 motion is granted. The LS 5 and CHC 1 issues are sufficiently generic to justify their treatment in the generic TRO/TRRO proceeding. Further, it may be reasonable to consider single and batch issues together since their outcomes may be similar or the same. For example, there is lack of clarity at this time whether or not a single hot cut may be one order involving multiple loops. (RT Vol. 7, pp. 728-731.) If a single hot cut is one order involving many items, it may effectively be a batch hot cut. As a result, the issues are sufficiently generic and reasonably presented in the generic TRO/TRRO proceedings.

IT IS RULED that the September 29, 2005 motion of MCImetro Access Transmission Services LLC in Application 05-05-027 to move Line Splitting Issue 5 and Coordinated Hot Cut Issue 1 to the Triennial Review Order/Triennial Review Remand Order proceeding is granted.

Dated October 6, 2005, at San Francisco, California.

/s/ BURTON W. MATTSON
Burton W. Mattson
Administrative Law Judge

/s/ KAREN A. JONES
Karen A. Jones
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judges' Ruling Granting MCI's Motion Regarding Line Splitting and Coordinate Hot Cut Issues on all parties of record in these proceedings or their attorneys of record.

Dated October 6, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.